



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

September 19, 2016

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard Stavis
Chief Executive Officer
Stavis Seafoods, Inc.
212 Northern Avenue, Suite 305
Boston, MA 02210

Mary Fleming
Chief Financial Officer
Stavis Seafoods, Inc.
212 Northern Avenue, Suite 305
Boston, MA 02210

Re: Final Notice of Violation and Administrative Order Issued
Pursuant to Section 113 of the Clean Air Act, 42 U.S.C. § 7413

Dear Mr. Stavis and Ms. Fleming:

On July 6, 2016, the U.S. Environmental Protection Agency, Region 1 ("EPA") sent an Early Warning Letter to Stavis Seafoods, Inc. ("Stavis"), providing notice of potential violations of Section 112(r)(1) of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. § 7412(r)(1), at Stavis's processing facility located at 7 Channel Street in Boston, Massachusetts ("the Facility"). The Early Warning Letter provided advance notice that EPA would issue a compliance order as soon as possible, described the first actions that such an order would likely include, and enclosed a Request for Information issued pursuant to Section 114 of the CAA, 42 U.S.C. § 7414 ("RFI").

Since then, Stavis has submitted responses to the RFI, and EPA has had multiple communications with Stavis, its legal counsel, and its refrigeration contractor regarding the steps Stavis is taking to address the violations at the Facility. On August 25, 2016, EPA provided Stavis with a draft Notice of Violation and Administrative Order ("NOV/AO").

As you know, EPA elected to share a draft version of the NOV/AO with you so that the information you provided in response to the RFI could be incorporated into the final NOV/AO, and to offer you the opportunity to provide EPA with comments regarding the factual allegations or timeline contained in the draft NOV/AO. Thank you for your responses to the RFI and for your comments on the draft NOV/AO, which confirmed that Stavis removed a large amount of ammonia from the refrigeration system at the Facility following the March 23rd incident and has engaged an expert to assist in removing the remaining ammonia and cease operations at the Facility as a means of addressing the dangerous conditions identified

during EPA's inspections. EPA has revised the NOV/AO accordingly. Enclosed please find the revised and final NOV/AO that EPA now issues pursuant to Section 113 of the Act, 42 U.S.C. § 7413, for violations of the General Duty Clause.¹

EPA found that Stavis failed to comply with the General Duty Clause, including requirements to (1) identify hazards which may result from accidental releases of extremely hazardous substances using appropriate hazard assessment techniques; (2) design and maintain a safe facility taking such steps as are necessary to prevent releases; and (3) minimize the consequences of accidental releases that do occur.

The AO orders Stavis to correct the identified violations. It directs Stavis to develop and submit a Removal Plan for safely removing all remaining ammonia from the system, or, if ammonia is to stay in the system after October 30th, to develop and submit a Work Plan to correct the dangerous conditions identified by EPA. It also requires Stavis to submit a Removal Plan or Work Plan Completion Report which includes a written description and supporting documentation of completion of the work required by the AO.

Please note that the issuance of this NOV/AO does not preclude EPA from electing to pursue further enforcement pursuant to the CAA, the Emergency Planning and Community Right-to-Know Act, or any other federal statute that may apply.

EPA encourages you to give this matter your immediate attention. Should you wish to discuss this matter, please contact Leonard Wallace at (617) 918-1835 or Wallace.Len@epa.gov. If you have any legal questions, or if your attorney wishes to communicate with EPA on your behalf, please contact Laura J. Berry, Enforcement Counsel, at (617) 918-1148 or Berry.LauraJ@epa.gov. Please also copy EPA attorney Maximilian Boal on any communications. He can be reached at (617) 918-1750 or Boal.Maximilian@epa.gov.

Sincerely,



Susan Studlien, Director
Office of Environmental Stewardship

cc: Jonathan Pearlson, Goulston & Storrs
Carla Reeves, Goulston & Storrs
Scott Sweet, HCG Associates
Leonard Wallace, EPA
Laura J. Berry, EPA
Maximilian Boal, EPA
Brian Donohue, U.S. Department of Justice
Mark Pedulla, U.S. Department of Labor
David LaPusata, MassDEP Northeast Regional Office
Kurt N. Schwartz, Director/SERC Chair, Massachusetts Emergency Management Agency

Enclosure: Notice of Violation and Administrative Order

¹ The "General Duty Clause" of the Clean Air Act is found at Section 112(r)(1) of the Clean Air Act, 42 U.S.C. § 7412(r)(1). A guidance that explains the GDC may be found at <https://www.epa.gov/sites/production/files/documents/gendutyclause-rpt.pdf>.